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PETITION OF

MICHAEL H. DITTON

CASE NO. PUC990176

To investigate Bell Atlantic-Virginia, Inc.

HEARING EXAMINER'S RULING

December 20, 2000

On October 7, 1999, Michael H. Ditton filed a Verified Petition for Redress and Relief ("Petition") with the Commission requesting that it investigate Bell Atlantic-Virginia, Inc., now known as Verizon-Virginia, Inc. ("Verizon"), and order Verizon to provide Mr. Ditton with adequate and reliable telephone service. Pursuant to Hearing Examiner's Ruling dated May 31, 2000, this Petition was scheduled for telephonic hearing on July 26, 2000, and a procedural schedule was established for the filing of prepared testimony and exhibits. At the request of Mr. Ditton, this matter was continued generally by a Hearing Examiner's Ruling dated June 20, 2000.

On June 26, 2000, Verizon moved to dismiss or, in the alternative, to suspend discovery. By Hearing Examiner's Ruling dated June 28, 2000, Verizon's motion to dismiss was denied and discovery was suspended until the establishment of a new procedural schedule. Pursuant to Hearing Examiner's Ruling dated November 21, 2000, a new procedural schedule was established for this case, which, among other things, directed Mr. Ditton to file on or before December 28, 2000, any prefiled direct testimony and exhibits he intended to offer at hearing. In addition, parties were directed to provide answers and objections to discovery within ten calendar days after receipt by mail or any other means.

On December 14, 2000, Mr. Ditton filed a Motion to Compel Responses to Discovery Requests. According to Mr. Ditton, he filed discovery requests upon Verizon on June 21, 2000. Verizon has failed to either make a timely objection or submit a response. Therefore, Mr. Ditton requests that the Commission compel Verizon to serve its discovery responses upon the Petitioner forthwith. Verizon has filed no response to Mr. Ditton's motion to compel.

Based on the Commission's rules and on the pleadings, I find that Verizon should be compelled to provide responses to Mr. Ditton's discovery as soon as possible. Further, Mr. Ditton is advised that if he needs additional time to prefile direct testimony and exhibits, he may file a motion requesting additional time. However, such a motion must be filed with the Commission prior to December 28, 2000. Accordingly,

IT IS DIRECTED:

(1) That Verizon is hereby compelled to provide responses to Mr. Ditton's discovery requests as soon as possible; and

(2) That Mr. Ditton be advised that if he requires additional time to file direct testimony and exhibits, he may file a motion requesting additional time prior to December 28, 2000.

Alexander F. Skirpan, Jr.
Hearing Examiner